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January 18, 2008

Honorable Louis L. Stanton
United States District Judge
United States Court House
500 Pearl Street, Rm. 2250
New York, NY 10007

Re: ***Viacom Int'l Inc. et. al. v. YouTube, Inc., et al.*, Case No. 1:07-cv-02103 (LLS)**
***The Football Ass'n Premier League, et al. v. YouTube, Inc., et al.*, 07 Civ. 3582 (LLS)**

Dear Judge Stanton:

On behalf of all of the parties in the above-referenced actions, we write concerning the agenda for the upcoming Conference scheduled for 3:30 p.m. on January 25.

As discussed with Your Honor's clerk and reflected in the letters to Your Honor of January 4, 2008 and January 8, 2008, the parties will address the Viacom Plaintiffs' proposed amended complaint and Defendants' objection to the proposed amendment insofar as the Viacom Plaintiffs seek to add punitive damages as a form of relief. The Viacom Plaintiffs and Defendants have resolved the issue of identification of works allegedly infringed in the amended complaint raised in Footnote 2 of Andrew Schapiro's January 8 letter, with the Viacom Plaintiffs agreeing to include in Exhibit A to their proposed amended complaint all works and alleged infringements thus far identified to Defendants. As noted below, however, the overall protocol for a complete identification of works in suit and alleged infringements remains in dispute.

The parties would also like to discuss with Your Honor a briefing schedule for certain unresolved discovery issues which the Plaintiffs or Defendants wish to bring before the Court. We can report that the parties' efforts over the last months have resulted in agreement among the parties on many once-open issues. The parties have met and conferred over the course of numerous conferences on November 1, 2, 5, 7, 8, 13, 16, 20, 26, 27; December 3, 4, 7, 11, 14, 18, 21; and January 2, 4, 8, 14, 15, 16 and 17.

However, based on the course of the discussions to date, the parties anticipate that certain issues may require resolution by the Court. Those issues are: database schemas, information relating to certain databases, videos removed from the YouTube Website, videos designated "Private" on the YouTube Website, source code, identification of the works in suit, documents related to the works in suit, the Viacom entities that will provide discovery, time limitations on discovery, financial documents and foreign discovery. Although the parties are continuing the meet and confer process, we respectfully request that the Court set a briefing schedule that will enable the parties to address any of the foregoing issues that cannot be resolved during the parties' ongoing discussions prior to briefing. The plaintiffs in both actions have agreed to submit a consolidated brief. The parties have agreed on a proposed briefing schedule as follows: Moving Briefs - February 8, 2008; Opposition Briefs - February 28, 2008 and Reply Briefs - March 7, 2008.

So ordered. Louis L. Stanton 1/25/08

Respectfully submitted,

Susan J. Kohlmann

CC: All counsel in the *Viacom* and the *Premier League* actions